

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1195

Amending Civil Rule 82  
concerning award of  
attorney's fees.

IT IS ORDERED:

1. Paragraph (b) of Civil Rule 82 is amended to read as follows:

(b) **Amount of Award.**

. . . . .

(2) In cases in which the prevailing party recovers no money judgment, the court shall award the prevailing party in a case which goes to trial 30 percent of the prevailing party's actual reasonable attorney's fees which were necessarily incurred, and shall award the prevailing party in a case resolved without trial 20 percent of its actual attorney's fees which were necessarily incurred. The actual fees shall include fees for legal work customarily performed by an attorney but which was delegated to and performed by an investigator, paralegal or law clerk.

. . . . .

(4) Upon entry of judgment by default, the plaintiff may recover an award

calculated under subparagraph (b)(1) or its actual fees which were necessarily incurred, whichever is less. Actual fees include fees for legal work performed by an investigator, paralegal, or law clerk, as provided in subparagraph (b)(2).

2. Paragraph (c) of Civil Rule 82 is amended to read as follows:

(c) **Motions for Attorney's Fees.** A motion is required for an award of attorney's fees under this rule. The motion must be filed within 10 days after the date shown in the clerk's certificate of distribution on the judgment as defined by Civil Rule 58.1. Failure to move for attorney's fees within 10 days or such additional time as the court may allow, shall be construed as a waiver of a party's right to recover attorney's fees. A motion for attorney's fees in a default case must specify actual fees.

DATED: March 30, 1995

EFFECTIVE DATE: July 15, 1995

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Chief Justice Moore

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Justice Rabinowitz

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Justice Matthews

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Justice Compton

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Justice Eastaugh